IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2483 OF 1992

Rajaram Bhika Shinde, since
deceased by his legal heirs
Sanjay Rajaram Shinde & Ors. ..Petitioners

versus

Gulamrasullah Chandkhan Pathan
& Ors. ..Respondents

Mr. G. B. Karandikar for the Petitioners.

Mr. A. R. Kapadnis for the Respondent Nos. 1, 4 and 5.

Respondent No.3 deleted as per Court's order dt. 26.2.1990.

Writ Petition stands abated as against Respondent No.2 vide Court's order dated 1.2.2001.

CORAM : D. G. DESHPANDE, J.

DATE : 20TH SEPTEMBER, 2006

ORAL ORDER :

1. Heard Advocate for the Petitioners and the Respondents.

2. Petitioners are the tenants under the Bombay Tenancy and Agricultural Lands Act, 1948, (hereinafter referred to as the "Tenancy Act").

There are many proceedings between the petitioners and the landlords. Initially proceedings under Section 32K of the Tenancy Act were started. The original petitioner had paid the purchase price. There was delay in payment of the purchase price. But after amendment of Section 32K on 7.5.1965 his right got revived. He was already in possession of the land. The landlord challenged the Order of the Assistant Collector, Niphad Division, Nashik, dated 14.8.1981, by which the Order of the Tahsildar dated 13.4.1981 was set aside and the matter was remanded to the Tahsildar for disposal. This order of 1981 was challenged by the landlord in 1988 before the Maharashtra Revenue Tribunal, at Bombay, by filing a Revision Application. That Revision came to be dismissed on 9.9.1991 both on the grounds of limitation and merits.

3. Looking to the facts that tenant has already paid the price and he is in possession of the property, the order of remand will have limited effect and therefore no interference is called for in this writ petition in the order of MRT dated 9.9.1991, the same is therefore dismissed. Rule is discharged. Stay, if any, stands vacated.

(D.G. DESHPANDE, J.)